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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Bolivia (Plurinational State of), China, Cuba, Ecuador, Eritrea, Fiji, Honduras, India, Jordan, Kuwait, Mauritania, Mongolia, Myanmar, Namibia, Nepal, Nicaragua, Panama, Sudan, Syrian Arab Republic, Turkmenistan, Venezuela (Bolivarian Republic of) and Viet Nam: draft resolution

The right to food

The General Assembly,

Reaffirming the Charter of the United Nations and its importance for the promotion and protection of all human rights and fundamental freedoms for all,

Reaffirming also all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition,[2] the United Nations Millennium Declaration,[3] in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development,[4] in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

[1] Resolution 217 A (III).

[2] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[3] Resolution 55/2.

[4] Resolution 70/1.

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Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

Stressing the importance of the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[6]

Reaffirming the importance of the recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7] as well as the Rome Declaration on Nutrition and the Framework for Action, adopted in Rome on 21 November 2014,[8]

Acknowledging that the right to food is the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, thereby preserving access to food for future generations,

Reaffirming the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted in Rome on 16 November 2009,[9]

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food and nutrition security and poverty eradication,

Reiterating, as set out in the Rome Declaration on World Food Security, the Declaration of the World Food Summit and the Rome Declaration on Nutrition, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter and that endanger food and nutrition security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action as well as in the Rome Declaration on Nutrition and the Framework for Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food and

[5] See resolution 2200 A (XXI), annex.

[6] A/57/499, annex.

[7] E/CN.4/2005/131, annex.

[8] World Health Organization, document EB 136/8, annexes I and II.

[9] See Food and Agriculture Organization of the United Nations, document WSFS 2009/2.

nutrition security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that, despite the efforts made, the problems of hunger, food insecurity and malnutrition have a global dimension, that there has not been sufficient progress in reducing hunger and that those problems could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis, in which the right to adequate food has been threatened to be violated on a substantial scale, as a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as natural disasters and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States, and the need for coherence and collaboration between international institutions at the global level,

Resolved to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the impacts of the global food crisis,

Stressing that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, through, inter alia, the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts and tackle water scarcity, as well as in programmes, practices and policies to scale up agroecological approaches,

Expressing its deep concern at the number and scale of natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have resulted in substantial loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

Emphasizing that a multisectoral approach that integrates nutrition across all sectors, including agriculture, health, water and sanitation, social protection and education, as well as a gender perspective, is critical to achieving global food and nutrition security and the realization of the right to food,

Recalling the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security[10] by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

[10] Food and Agriculture Organization of the United Nations, document CL 144/9 (C 2013/20), appendix D.

Recalling also the Principles for Responsible Investment in Agriculture and Food Systems,[11] which were endorsed by the Committee on World Food Security at its forty-first session, held from 13 to 18 October 2014,

Stressing the importance of the Second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United Nations in Rome from 19 to 21 November 2014, and of its outcome documents, the Rome Declaration on Nutrition and the Framework for Action,

Stressing also the need to increase official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Noting the cultural values of dietary and eating habits in different cultures, and recognizing that food plays an important role in defining the identity of individuals and communities and is a cultural component that describes and gives value to a territory and its inhabitants,

Recognizing the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", and recalling the commitment therein to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all, endorsed by the General Assembly in its resolution 66/288 of 27 July 2012,

Recalling also the Sendai Framework for Disaster Risk Reduction 2015-2030[12] and its guiding principles, which, inter alia, recognize the importance of promoting regular disaster preparedness and response and recovery exercises, with a view to ensuring rapid and effective response to disasters and related displacement, including access to essential food and non-food relief supplies, as appropriate to local needs, as well as of fostering collaboration across global and regional mechanisms and institutions for the implementation and coherence of instruments and tools relevant to disaster risk reduction, such as for climate change, biodiversity, sustainable development, poverty eradication, environment, agriculture, health, food and nutrition and others, as appropriate,

Acknowledging the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

[11] Food and Agriculture Organization of the United Nations, document C 2015/20, appendix D.

[12] Resolution 69/283, annex II.

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 die from hunger-related illness and that, as estimated by the Food and Agriculture Organization of the United Nations, about 795 million people in the world remain undernourished owing to the lack of sufficient food for conducting an active and healthy life, including as one of the effects derived from the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its concern* at the fact that the effects created by the world food crisis still continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the impacts of the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing countries, especially least developed countries;

5. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations, entitled *The State of Food Insecurity in the World 2015*, the number of hungry people in the world remains unacceptably high and the vast majority of hungry people live in developing countries;

6. *Also expresses its deep concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular when they contribute to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and that women have equal access to resources, including income, land and water and their ownership and agricultural inputs, as well as full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and strengthen their role in decision-making;

8. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue to mainstream a gender perspective in the fulfilment of her mandate, and encourages the Food and Agriculture Organization of the United

Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to continue to integrate a gender perspective into their relevant policies, programmes and activities;

9. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

10. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the assistance necessary to increase food production and access to food, in particular through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid ensuring food security, with special attention to the specific needs of women and girls, support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and should ensure support for the establishment of secure land tenure systems;

11. *Calls upon* all States and, if appropriate, relevant international organizations to take measures and support programmes that are aimed at combating undernutrition in mothers, in particular during pregnancy, and in children, and the irreversible effects of chronic undernutrition in early childhood, in particular from birth to the age of 2 years;

12. *Also calls upon* all States and, where appropriate, relevant international organizations to implement policies and programmes to reduce and eliminate preventable mortality and morbidity, as a result of malnutrition, of children under 5 years of age, and in this regard urges States to disseminate the technical guidance prepared by the Office of the United Nations High Commissioner for Human Rights, in collaboration with the World Health Organization[13] and to apply it, as appropriate, in the design, implementation, evaluation and monitoring of laws, policies, programmes, budgets and mechanisms for remedy and redress aimed at eliminating preventable mortality and morbidity of children under 5 years of age;

13. *Encourages* all States to take steps, with a view to progressively achieving the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

14. *Recognizes* the advances reached through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

15. *Stresses* that improving access to productive resources and public investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investment, including private investment, in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts and to tackle water scarcity;

[13] A/HRC/27/31.

16. *Recognizes* the critical contribution made by the fisheries sector to the realization of the right to food and to food security and the contribution of small-scale fishers to the local food security of coastal communities;

17. *Also recognizes* that 70 per cent of hungry people live in rural areas, where nearly half a billion family farmers are located, and that these people are especially vulnerable to food insecurity given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access for their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the provision of the right to food;

18. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;[14]

19. *Urges* States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity[15] and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture[16] as a matter of priority;

20. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples,[17] acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face in achieving the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

21. *Welcomes* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held on 22 and 23 September 2014,[18] and the commitment to developing, in conjunction with the indigenous peoples concerned and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

[14] United Nations, *Treaty Series*, vol. 1954, No. 33480.
[15] Ibid., vol. 1760, No. 30619.
[16] Ibid., vol. 2400, No. 43345.
[17] Resolution 61/295, annex.
[18] Resolution 69/2.

22. *Notes* the need to further examine various concepts, such as "food sovereignty", and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

23. *Requests* all States and private actors, as well as international organizations, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

24. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting their enjoyment of the right to food;

25. *Takes note with appreciation* of the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

26. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

27. *Calls for* the conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

28. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

29. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty, as well as non-communicable diseases;

30. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the funding necessary to realize the right to food, as set out in the Rome Declaration on World Food Security, and to achieve the aims of Goal 2 of the 2030 Agenda for Sustainable Development[1] and other food and nutrition-related targets;

31. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a

comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

32. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

33. *Stresses* the importance of North-South, South-South and triangular cooperation and development assistance as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock and institutional innovations such as community seed banks, farmer field schools and seed fairs, and to the provision of humanitarian food assistance in activities related to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

34. *Also stresses* that States parties to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner that is supportive of food security, while being mindful of the obligation of Member States to promote and protect the right to food;

35. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across different regions, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

36. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on its realization;

37. *Takes note with appreciation* of the interim report of the Special Rapporteur,[19] which addresses, inter alia, the underlying factors affecting nutrition, including industrial food systems, unhealthy eating environments and the growing threat of non-communicable diseases, as well as the harmful effects of trade liberalization and the unregulated marketing of food products;

38. *Recognizes* the importance of giving due consideration to the adverse impact of climate change and to the full realization of the right to food, takes note of the Paris Agreement, adopted at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris from 30 November to 13 December 2015,[20] and welcomes the organization of the twenty-second session of the Conference of the Parties in Marrakech, Morocco;

39. *Recognizes also* the impact of the current cycle of the El Niño phenomenon in agricultural production and food security around the world and the

[19] A/71/282.

[20] See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

importance of designing and implementing actions to reduce its effects, in particular on vulnerable populations, such as rural women, bearing in mind the role that they play in supporting their households and communities in achieving food and nutrition security, generating income and improving rural livelihoods and overall well-being;

40. *Reiterates its support* for the realization of the mandate of the Special Rapporteur, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for its effective fulfilment;

41. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),[21] in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person, indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

42. *Recalls* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant),[22] in which the Committee noted, inter alia, the importance of ensuring sustainable access to water resources for human consumption and agriculture in realization of the right to adequate food;

43. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7] represent a useful tool to promote the realization of the right to food for all, contribute to the achievement of food security, and thus provide an additional instrument in the attainment of internationally agreed development goals and to support national Governments in the implementation of food security and nutrition policies, programmes and legal frameworks;

44. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task, to supply all necessary information requested by her and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil her mandate more effectively;

45. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-second session an interim report on the implementation of the present resolution and to continue her work, including by examining the emerging issues with regard to the realization of the right to food within her mandate;

46. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations,

[21] See *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V.

[22] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

47. *Decides* to continue the consideration of the question at its seventy-second session, under the item entitled "Promotion and protection of human rights".